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**JAN 27 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Biscarini et al. : DECISION ON PETITION  
Application No. 10/537,158 :  
Filed: May 31, 2005 :  
Atty Docket No. 40379/DOB/LP :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed December 18, 2008.

The petition is **GRANTED**.

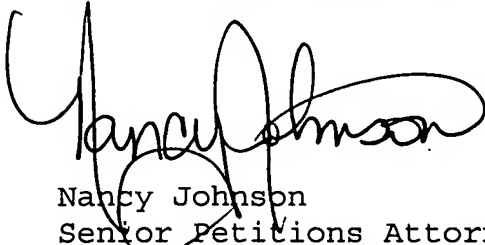
The above-identified application became abandoned for failure to file a response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed October 24, 2007. This Office communication set a two month period for reply. No extensions of time under § 1.136(a) were permitted. No response was received; the application became abandoned effective December 25, 2007. A courtesy Notice of Abandonment was mailed on January 25, 2008.

By decision mailed November 7, 2008, the initial petition to withdraw the holding of abandonment filed March 21, 2008 was dismissed. Applicant did not make an adequate showing, as alleged, of non-receipt of the Office communication.

Applicant has now filed a petition to revive based on unintentional delay. The required reply in the form of replacement sheets of drawings was previously filed on March 21, 2008. The petition includes the required statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded to the Office of Data Management for consideration of the response to the Notice to File Corrected Application Papers mailed October 24, 2007; replacement drawings submitted on March 21, 2008; and processing of this application into a patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is stylized with a large, looping initial "N" and a cursive "Johnson".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions